

Appl. No.: 10/656,756  
Art Unit: 1712 Docket No.: B02-67  
Reply to Office Action of February 28, 2005

### **REMARKS**

Claims 1-25 appear in this application for the Examiner's review and consideration. Claims 1, 2, 13, and 20 have been amended.

In particular, claims 1 and 13 have been amended to remove a typographical error/improper and unclear claim language. Claim 2 has been amended to clarify values associated with the chemical structure that were inadvertently omitted. Claim 20 has been amended to recite a structure and to correct a typographical error (reciting polyurethane/polyol instead of polyurea/polyamine).

No new matter has been added by these amendments and additions.

### **Rejection Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-19 and 22 were rejected under 35 U.S.C. § 112, second paragraph. In particular, the "such as..." language in claims 1 and 13 was deemed unclear. Applicants thank the Examiner for catching this inappropriate claim language which was, obviously, left in the claim inadvertently. As such, Applicants have amended claims 1 and 13 to correct this typographical error.

Regarding claim 2's structure, Applicants have amended the claim to recite the values for x, y, and R, which were inadvertently omitted. The unclear 'Y' group is now clarified as a result of the amendment to claim 1.

Claim 20 has been amended to correct a typographical error – clearly, given the language of claim 22, which the Examiner pointed out refers to a telechelic polyamine, the claim was intended to be directed to a "polyurea" prepolymer and a monodisperse telechelic "polyamine".

The rejection under 35 U.S.C. § 112, second paragraph, is therefore believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

### **Rejection Under 35 U.S.C. § 101**

Claims 20, 21, and 23-25 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 20, 21, and 23-25 of copending U.S. Patent Application Serial No. 10/656,704. Given the amendment to claim 20 of the present invention, Applicants believe this rejection is now moot and request withdrawal thereof.

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### **Rejections Under 35 U.S.C. §§ 102(e) and 103(a)**

Claims 20-25 were rejected under 35 U.S.C. § 103(a) as being obvious over Dewanjee or Yokota in view of Seneker; claims 20 and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Rajagopalan '100; and claims 20 and 22-25 were rejected under 35 U.S.C. § 102(e) as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over Rajagopalan '102.

Applicants respectfully submit that none of the cited references disclose, or even suggest, a monodisperse telechelic polyamine. The structure recited in independent claims 1, 13, and 20 requires at least a -C-C- in the backbone of the polyamine based on the at least two independently polymerized vinyl (a hydrocarbon) groups – each of the references disclose carbon-ether, carbon-ester, or polycarbonate linkages, none of which fit the recited structure.

For at least the above reasons, the rejections under 35 U.S.C. §§ 102(e) and 103(a) are believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

### **Rejection Under Provisional Obviousness-Type Double Patenting**

Claims 20 and 22-25 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-27 of co-pending U.S. Patent Application Serial Nos. 10/434,739 and 10/434,738.

Applicants will consider filing a terminal disclaimer once the scope of the claims in either case is determined. Until that date, Applicants respectfully traverse the obviousness-type double patenting rejection because Applicants believe that the claim scope of both cases is patentably distinct (*i.e.*, given the amendment to independent claim 20). It is also unclear how the Examiner can determine what Applicants 'intended' in the claims by reading a value for polydispersity from the Specification into the claims without a formal amendment by Applicants.

### **CONCLUSION**

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney


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would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee is believed to be due for this submission because 1) the three-month date of May 28, 2005 fell on a Saturday and 2) Monday, May 30 was a government holiday – the response date is, therefore, extended to Tuesday, May 31. Should any other required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,

Date: May 31, 2005

  
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